

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

US Salt, Inc.,

Plaintiff,

Civ. No. 07-1988 (RHK/JSM)

ORDER

v.

Broken Arrow, Inc.,

Defendant.

For the reasons set forth on the record at the pretrial conference held on April 30, 2008, **IT IS ORDERED** that:

1. The trial scheduled to start on May 5, 2008 is **CONTINUED to May 12, 2008 at 9:00 a.m.**
2. The parties through their counsel and a representative from each side with full settlement authority shall meet with a Magistrate Judge for a settlement conference sometime during the week of May 5, 2008. The parties shall be prepared to make a good-faith effort at resolving this dispute. An order will follow specifying the date and time.
3. US Salt shall serve and furnish to the Court the following documents by **May 2, 2008 at 2:00 p.m.:**
 - a. A memorandum explaining its damages theory, including: (i) an explanation as to how its claimed damages qualify as incidental or consequential damages under the Minnesota Uniform Commercial Code and (ii) a summary explaining how each line item for damages was calculated.
 - b. A document that cross-references the itemized damages previously provided to the Court with the attached exhibits. In particular, Exhibit 22 needs to be separated out to correspond with the itemized damages.

- c. A summary of Tom Johnson's proposed testimony with respect to damages.
- 4. Broken Arrow shall serve and furnish to the Court a response brief to the above submissions by **May 5, 2008 at 2:00 p.m.** Broken Arrow may also make objections to US Salt's amended exhibit list.
- 5. US Salt shall serve and furnish to the Court a reply brief to Broken Arrow's May 5, 2008 opposition memorandum by **May 6, 2008 at 2:00 p.m.**

Dated: April 30, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge